

Changes to the MAC in the Shuster manager’s amendment



Current Statute	Chairman Shuster’s Proposed Amendment
<p>49 U.S.C. §106(p) - MANAGEMENT ADVISORY COUNCIL AND AIR TRAFFIC SERVICES BOARD</p>	<p>49 U.S.C. §106(p) – AEROSPACE MANAGEMENT ADVISORY COUNCIL</p>
<p>(1) ESTABLISHMENT.-Within 3 months after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the "Council"). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.</p>	<p>(1) IN GENERAL — Not later than 60 days after the date of enactment of the FAA Reauthorization Act of 2018, the Secretary shall establish an Aerospace Management Advisory Council (in this section referred to as the ‘Advisory Council’).</p>
<p>(2) MEMBERSHIP -The Council shall consist of 13 members, who shall consist of-</p> <ul style="list-style-type: none"> (A) a designee of the Secretary of Transportation; (B) a designee of the Secretary of Defense; (C) 10 members representing aviation interests, appointed by- <ul style="list-style-type: none"> (i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate, except that initial appointments made after May 	<p>(3) MEMBERSHIP —</p> <p>(A) IN GENERAL — The Advisory Council shall consist of 13 members, who shall consist of—</p> <ul style="list-style-type: none"> (i) a designee of the Secretary of Transportation; (ii) a designee of the Secretary of Defense; (iii) 1 member appointed by the Secretary of Transportation from among the individuals who are the national officers of the exclusive bargaining

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<p>1, 2003, shall be made by the Secretary of Transportation; and (ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and (D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by the Secretary of Transportation.</p>	<p>representative, as certified under section 7111 of title 5, of air traffic controllers; and (iv) 10 members appointed by the Secretary of Transportation to represent the interests of the aviation industry, including— (I) passenger air carriers; (II) cargo air carriers; (III) regional air carriers; (IV) general aviation; (V) airports; (VI) commercial pilots; and (VII) new entrants to the aerospace industry.</p>
<p>(3) QUALIFICATIONS - No officer or employee of the United States Government may be appointed to the Council under paragraph (2)(C) or to the Air Traffic Services Committee.</p>	<p>(3)(C) QUALIFICATIONS — No officer or employee of the United States Government may be appointed to the Advisory Council under sub- paragraph (A)(iv).</p>
<p>(4) FUNCTIONS - (A) IN GENERAL – (i) The Council shall provide advice and counsel to the Administrator on issues, which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration. (ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.</p>	<p>(2) FUNCTIONS.—The Advisory Council – (A) shall recommend to the Secretary candidates to serve as the Chief Operating Officer; (B) shall provide advice to the Secretary and the Chief Operating Officer on issues that affect or are affected by the operation of the air traffic control system and the provision of air navigation services; (C) shall function as the primary advisory resource for management, policy, spending, and regulatory matters under the jurisdiction of the Chief Operating Officer; and</p>

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<p>(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.</p> <p>(B) MEETINGS.-The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.</p> <p>(C) ACCESS TO DOCUMENTS AND STAFF -The Administration may give the Council or Air Traffic Services Committee appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the "Freedom of Information Act"), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council or Air Traffic Services Committee who receives commercial or</p>	<p>(D) may review and issue recommendations on –</p> <ul style="list-style-type: none"> (i) the rulemaking and procurement benefit-cost analysis process; (ii) any rulemaking or procurement benefit-cost analysis associated with the air traffic control system as the Advisory Council, the Secretary, or the Chief Operating Officer may decide; (iii) the process by which the Administration determines whether to use advisory circulars and service bulletins; and (iv) the performance of the Chief Operating Officer with respect to the responsibilities of the Chief Operating Officer. <p>(E) MEETINGS — The Advisory Council shall meet—</p> <ul style="list-style-type: none"> (i) at a minimum, on a quarterly basis; (ii) in-person at least twice a year; and (iii) upon the call of the chair or the Secretary. <p>(B) ACCESS TO DOCUMENTS AND STAFF —The Secretary and the Administrator shall provide to the Advisory Council appropriate access to relevant documents and personnel of the Administration. The Secretary and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic service systems. Any member of the Advisory Council who receives commercial or other proprietary data from the Secretary or the Administrator shall be subject to</p>

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<p>other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.</p>	<p>the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.</p>
<p>(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.-The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council, the Air Traffic Services Committee, or such aviation rulemaking committees as the Administrator shall designate.</p>	<p>(4)(A) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY —The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Council or such aviation or aerospace rulemaking committees as the Secretary or Administrator shall designate.</p>
<p>(6) ADMINISTRATIVE MATTERS.-</p> <p>(A) Terms of members appointed under paragraph (2)(c).-Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)-</p> <p>(i) 3 shall be appointed for terms of 1 year;</p> <p>(ii) 4 shall be appointed for terms of 2 years; and</p> <p>(iii) 3 shall be appointed for terms of 3 years.</p> <p>(B) Term for air traffic control representative.-The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).</p> <p>(C) Terms for air traffic services committee members.-The members</p>	<p>(3)(D) TERMS —</p> <p>(i) SECRETARIAL DESIGNEES — The members of the Advisory Council designated under subparagraphs (A)(i) and (A)(ii) shall serve at the pleasure of the Secretary that appointed the member.</p> <p>(ii) AIR TRAFFIC CONTROL SYSTEM MEMBER — The member of the Advisory Council appointed under subparagraph (A)(iii) shall serve for a term of 4 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of such subparagraph.</p> <p>(iii) INDUSTRY MEMBERS — Except as provided in clause (iv) of this subparagraph, the term of each member of the Advisory Council appointed under subparagraph (A)(iv) shall serve for a term of 4 years.</p> <p>(iv) STAGGERING OF INITIAL TERMS —Upon establishment of the Advisory Council,</p>

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<p>appointed to the Air Traffic Services Committee shall be appointed for a term of 5 years, except that the first members of the Committee shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Vision 100-Century of Aviation Reauthorization Act who shall serve in an advisory capacity until such time as the President appoints the members of the Committee under paragraph (7).</p> <p>(D) Reappointment.-An individual may not be appointed to the Committee to more than two 5-year terms.</p> <p>(E) Vacancy.-Any vacancy on the Council or Committee shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.</p> <p>(F) Continuation in office.-A member of the Council or Committee whose term expires shall continue to serve until the date on which the member's successor takes office.</p> <p>(G) Removal.-Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the</p>	<p>the Secretary shall stagger the initial terms of the members appointed under subparagraph (A)(iv) to promote the stability of the Advisory Council.</p> <p>(v) VACANCIES — Any vacancy on the Advisory Council shall be filled in the same manner as the original appointment or designation. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of that term.</p> <p>(vi) TERM LIMITS —</p> <p>(I) IN GENERAL — No member appointed to the Advisory Council under subparagraph (A)(iii) or (A)(iv) may serve more than 1 consecutive term.</p> <p>(II) PARTIAL TERMS — A partial term for which a member is appointed under the conditions described in clause (v) shall not be considered a term for purposes of subclause (I) of this clause.</p> <p>(III) REMOVAL BY SECRETARY OF TRANSPORTATION — Except as provided in subclause (IV), any member of the Advisory Council may be removed for cause by the Secretary of Transportation.</p> <p>(IV) REMOVAL BY SECRETARY OF DEFENSE — Only the Secretary of Defense may remove the individual designated under subparagraph (A)(ii).</p>

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<p>Committee may be removed for cause by the Secretary.</p> <p>[Does not show 106(p)(H) or 106(p)(I) relating to the Air Traffic Services Committee because the Shuster amendment abolishes that Committee]</p> <p>(J) CHAIRMAN; VICE CHAIRMAN.-The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.</p> <p>(K) TRAVEL AND PER DIEM.-Each member of the Council or Committee shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.</p> <p>(L) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.-The Administrator shall make available to the Council or Committee such staff, information, and administrative services and assistance as may reasonably be required to enable the Council or Committee to carry out its responsibilities under this subsection.</p>	<p>[No corresponding language for the Committee because the Shuster amendment abolishes the Committee: (2) TERMINATION OF MANAGEMENT ADVISORY COUNCIL AND AIR TRAFFIC SERVICES COMMITTEE — The Management Advisory Council and the Air Traffic Services Committee referred to in section 106(p) of title 49, United States Code (as in effect on the day before the date of enactment of this Act) shall terminate on the date of enactment of this Act.]</p> <p>(3)(B) CHAIR; VICE CHAIR — The Advisory Council shall elect a chair and a vice chair from among the members appointed under subparagraph (A)(iv), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chair in the absence of the chair.</p> <p>(4)(C) TRAVEL AND PER DIEM. — Each member of the Advisory Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.</p> <p>(4)(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION. — The Administrator shall make available to the Advisory Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.</p>